

Corporate Office:  
Cranes Farm Road  
Basildon, Essex, SS14 3AD  
United Kingdom

March 27, 2014

United States Environmental Protection Agency  
Region II  
2890 Woodbridge Ave., MS-211  
Edison, NJ 08837  
Attn: Ms. Bonnie Hriczko



Subject: Request for Information, Superior Barrel & Drum Site  
Addressed to New Holland Construction



Dear Ms. Hriczko,

I am writing today in response to the Request for Information on the Superior Barrel and Drum ("SBD") Site and pursuant to the extension of time you graciously granted my client, CNH Industrial America LLC (hereinafter "CNHi America" or "the Company") to respond to this request.



Despite an exhaustive search of our systems, we have not been able to find any record of ever having transacted business with SBD. We theorize the two containers in question are the property of an independent equipment dealer that might have stocked transmission fluid for sale to end customers using equipment some of which may have been manufactured by the Company. It is worth noting the Company does not and has not ever manufactured or produced transmission fluid for sale. Rather, this is likely a "private labeled" product manufactured by a third party under an intellectual property license from the Company.



That being said, we are willing to pick up and arrange for proper disposal of the two containers in question if that would help. Please advise if you would like us to do so.

In the meantime, please find CNHi America's specific responses to your Request for Information to follow:

1. (a) State the correct legal name of the Company.  
ANSWER: CNH Industrial America LLC
- (b) Identify the legal status of the Company (corporation, partnership, specify if other) and the state in which the Company was organized.  
ANSWER: Limited Liability Company organized in Delaware

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- (c) State the name(s) and address(es) of the officer(s) of the Company

**ANSWER:** All officers below can be reached at the following address: 6900 Veterans Blvd., Burr Ridge, IL 60527

Richard Tobin	President and Chief Executive Officer
Massimiliano Chiara	Chief Financial Officer
Michael Going	Senior Vice President, General Counsel & Secretary
Michael Wall	Vice President, Tax
Nancy Merola	Controller
Andrea Paulis	Treasurer
Rick Aide	Tax Officer
Alessandro Meinero	Assistant Treasurer
Thomas Beckmann	Assistant Treasurer
Patrick Sheldrake	Assistant Secretary
Michele N. Kochevar	Assistant Secretary

- (d) If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the officer(s) of those organization. Provide the same information for any further parent/subsidiary relationships.

**ANSWER:** CNHi America has hundreds of subsidiary and affiliate companies each with their own set of officers. CNHi America is a wholly owned subsidiary of CNH Industrial N.V. a company organized in the Netherlands. CNH Industrial N.V. has hundreds of subsidiary companies across the globe each with their own set of officers. A detailed account of this large number of subsidiaries, affiliates and officers will be made available to U.S. EPA in the event this information is determined to be relevant to the inquiry at hand but is not currently provided as this information does not appear to be connected to nor relevant to this matter.

- (e) If the Company is a successor to, or has been succeeded by, another, identify such other company provide the same information requested above the predecessor or successor company.

**ANSWER:** CNH Industrial America, LLC was previously named "CNH America LLC". There was a name change only as of March 1, 2014.

- (f) If the Company transacted business with SBD in the name of an entity not already disclosed, give the name of such entity and state its relations to the Company

ANSWER: The Company has no record of having transacted business with SBD at all under any name or entity.

2.

- (a) Describe the nature of your Company's business during the years 1974 to the present. If the nature of the business has not been constant, describe the changes that have occurred, including any name changes, and when they occurred.

ANSWER: Manufacture and sale of agricultural and construction vehicles including engineering, parts depot and some dealership operations.

- (b) Describe your Company's operations from 1974 to the present and identify all chemicals used or produced as a result of your Company's operation during that period, including any chemical substances used to clean equipment or machinery and the nature and chemical constituents of all waste streams and their disposition.

ANSWER: The Company has used multiple compounds and chemicals in its operations but will limit its response to what appear to be two 5-gallon containers of transmission fluid found at the SBD site bearing a New Holland Construction brand logo.

3.

- (a) State whether the Company or any Company facility conducted any business transactions with SBD for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").

ANSWER: No. The Company has no record of having conducted any business with SBD at any time and suggests the two containers in question may have come from an independent equipment dealer.

- (b) If so, identify each such facility and describe the relationship between the Company and SBD, including the nature of services rendered or products sold to the Company;

ANSWER: N/A

- (c) Provide copies of any contract or agreement between the Company and SBD;

ANSWER: N/A

4.

- (a) For each facility identified in Question 3, state the nature of the operations conducted at the facility, including the time period in which the facility operated;

ANSWER: N/A

- (b) State the name, address, and current RCRA Identification Number of each facility;

ANSWER: N/A

5. For each transaction between the Company and SBD, provide the following information, which may be provided in tabular format.

- (a) Identify the specific dates of each transaction and the facility involved with each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;

ANSWER: N/A

- (b) Identify the number of Containers that were the subject of each such transaction;

ANSWER: N/A

- (c) Generically describe each Container that was the subject of each such transaction, including the Container capacity and type (example: 55-gallon closed head steel drums, etc.);

ANSWER: N/A

- (d) Identify the intended purpose and nature of each such transaction (example: Company products sold to SBD, Company waste disposed of by SBD, Company products purchased from SBD, Services rendered to or from the Company to or from SBD, etc.)

ANSWER: N/A

- (e) State whether each Container that was the subject of the transaction contained any substance(s) at the time of transaction. As to each Container that contained any substance:

- 1) Identify each such substance, including its specific chemical constituent(s), physical state, quantity by volume and weight, and other characteristics; and

ANSWER: N/A

- 2) Provide all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

ANSWER: N/A

6. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices.

ANSWER: N/A

7. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction.

ANSWER: N/A

8. If you contend that any Container identified in response to Question 5, above, did not contain any substance at the time of the transaction, state whether such Container had previously been used by the Company to contain any substance, and if so:

(a) Identify all substances previously contained within such Container, including its specific chemical constituent(s), physical state, and other characteristic(s); and

ANSWER: N/A

(b) Provide as to such substance(s), all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

ANSWER: N/A

9. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned.

ANSWER: N/A

10. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.

ANSWER: N/A

11. Identify each person consulted in responding to these questions and all questions on which he or she was consulted.

ANSWER: Audrey Vandyke, Manager Environmental Health and Safety  
Jack Lindsey, Purchasing  
Scott Smith and Emily Lawrence, Legal Counsel

12. Identify any other person or entity (e.g. individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number for that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title(s) and a description of the responsibilities.

ANSWER: N/A

13. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

ANSWER: As stated above, the Company has no record of having transacted business with SBD ever. The term "New Holland Construction" is a brand name and no longer a company or

legal entity. Prior to 1999, there was a legal entity known as "New Holland". This company merged with Case in November of 1999 to form "Case New Holland Inc, a Delaware holding Corporation which conducted business in the United States under the name "CNH America, LLC, a Delaware Limited Liability Company which in turn changed its name to CNH Industrial America LLC as of March 1, 2014. The records of CNH Industrial America LLC have been checked and there is no record of any transactions with SBD. It is our good faith belief the containers in question represent "private labeled" transmission fluid manufactured by an outside third party with the New Holland brand under a brand licensing agreement for same. This type of material has typically been ordered by an equipment dealer to sell to their end customers for use in their equipment. It is possible an independent dealer selling Company-manufactured equipment transacted business with SBD but the Company would not be in privity to nor have records related to such a transaction.

Please let me know if we can provide you with any additional information.

**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

Superior Barrel and Drum Site, Elk, Cloucester County, New Jersey

State of ILLINOIS:

County of DU PAGE:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true and accurate, and complete and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

Name: Gwendolyn L. Hassan

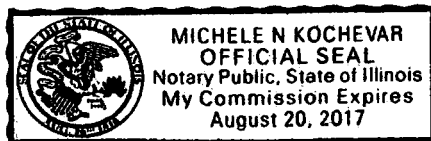
Title: Managing Attorney - Compliance

Gwendolyn L. Hassan  
Signature

Sworn to before me this

9th day of March, 2014

[Signature]  
Notary Public





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*Fedex to:*

*Bonnie Hriczko at the address  
on the letter. Please email  
the tracking number to Owen Hassan.*

*Thank you!*